

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

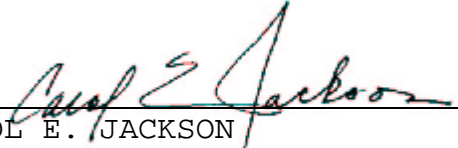
DWAYNE CAIN,)	
)	
Plaintiff,)	
)	
vs.)	No. 4:05-CV-566 (CEJ)
)	
TODD MOODY and)	
REBECCA CARAWAY,)	
)	
Defendants.)	

ORDER

On August 21, 2006, the Court directed plaintiff to file a motion for default judgment against defendant Rebecca Caraway by September 15, 2006. Plaintiff was warned that failure to comply "may result in the dismissal of this action against defendant Caraway without prejudice." Plaintiff has not responded to the Court's order. Rule 41(b) of the Federal Rules of Civil Procedure permits the Court to dismiss a case for failure to prosecute or to comply with a court order.

Accordingly,

IT IS HEREBY ORDERED that, pursuant to Fed. R. Civ. P. 41(b), this action is **dismissed without prejudice** as to defendant Rebecca Caraway only.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 3rd day of November, 2006.